

EXHIBIT 6



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RECEIVED

By Upper Manhattan Regional Office at 5:51 pm, Jul 03, 2023

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VIA E-MAIL

Michael J Hallett
NYS Division of Human Rights Manhattan Office
Adam Clayton Powell Jr. State Off. Bldg.
163 West 125th Street, 4th Floor
New York, NY 10027
Email: michael.hallett@dhr.ny.gov

Re: Leah McSweeney v. Shed Media, Ltd, Lisa Shannon, John Paparazzo, Darren Ward
Case No. 10223891
Amended Employment Discrimination Complaint

To Whom It May Concern:

Please be advised that Adelman Matz P.C. represents Leah McSweeney ("Ms. McSweeney") who is the declarant of the Employment Discrimination Complaint initially filed on March 15, 2023 against Shed Media, Ltd., as well as Lisa Shannon, John Paparazzo, and Darren Ward.

Enclosed please find Ms. McSweeney's First Amended Employment Discrimination Complaint Form, which we are filing on Ms. McSweeney's behalf.

If you have any questions or concerns, please do not hesitate to contact our office at the phone number or e-mail address above. We respectfully request that you direct all future communications in connection with this matter to our office.

Best regards,

Madysen R. Nucci, Esq.

Enclosure.

ADELMAN MATZ P.C.

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New York State Division of Human Rights Employment Complaint Form

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18.

1. Your contact information:

First Name <u>Sarah</u>		Middle Initial/Name <u>M.</u>	
Last Name <u>Matz</u>			
Street Address/ PO Box <u>1159 Second Ave.</u>		Apt or Floor #: <u>Suite 153</u>	
City <u>New York</u>		State <u>NY</u>	Zip Code <u>10065</u>
If you are filing on behalf of another, provide the name of that person: <u>Leah McSweeney</u>		Date of birth: <div style="background-color: black; width: 100px; height: 20px;"></div>	Relationship: <u>Client</u>

2. Regulated Areas: Check the area where the discrimination occurred:

(If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Employment (including paid internship) | <input type="checkbox"/> by a Labor Organization |
| <input type="checkbox"/> Internship (unpaid) | <input type="checkbox"/> Apprentice Training |
| <input type="checkbox"/> Contract Work (independent contractor, or work for a contractor) | <input type="checkbox"/> by a Temp or Employment Agency |
| <input type="checkbox"/> Volunteer Position | <input type="checkbox"/> Licensing |

3. You are filing a complaint against:

Employer, Worksite, Agency or Union Name <u>Employer: Shed Media, Ltd., a division of Warner Bros.</u>		
Street Address/ PO Box <u>3800 Barham Blvd., Suite 410</u>		
City <u>Los Angeles</u>	State <u>CA</u>	Zip Code <u>90068</u>
Telephone Number: <u>(323) 904-4680</u>		
In what county or borough did the violation take place? <u>County of New York</u>		
Individual people who discriminated against you:		
Name: <u>Lisa Shannon</u>	Title: <u>Shed Senior VP/Executive Producer</u>	
Name: <u>John Paparazzo and Darren Ward</u>	Title: <u>Shed Producers</u>	
If you need more space, please list them on a separate piece of paper.		

4. Date of alleged discrimination (must be within one year of filing):

The most recent act of discrimination happened on: 12 14 2022
month day year

5. For employment and internships, how many employees does this company have?

- ☐ 1-14 ☐ 15-19 ☒ 20 or more ☐ Don't know

6. Are you currently working for this company?	
<input type="checkbox"/> Yes. Date of hire: _____ <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>	What is your position?
<input checked="" type="checkbox"/> No. Last day of work: <u>12</u> / <u>14</u> / <u>2022</u> <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>	What was your position? Cast Member
<input type="checkbox"/> I was never hired. Date of application: _____ <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>	What position did you apply for?

7. Basis of alleged discrimination:	
Check ONLY the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.	
<input type="checkbox"/> Age: Date of Birth: _____	<input checked="" type="checkbox"/> Familial Status:
<input type="checkbox"/> Arrest Record	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input type="checkbox"/> National Origin: Please specify: _____
<input checked="" type="checkbox"/> Disability: Please specify: <u>mental health/alc</u>	<input type="checkbox"/> Predisposing Genetic Characteristic:
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____
<input checked="" type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input type="checkbox"/> Race/Color or Ethnicity: Please specify: _____ <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle	<input checked="" type="checkbox"/> Sex: Please specify: <u>Female</u> Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Use of Guide Dog, Hearing Dog, or Service Dog	
If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:	
<input checked="" type="checkbox"/> Retaliation: How did you oppose discrimination: disclosed failure to accommodate and unsafe working conditions	
If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below.	
<input type="checkbox"/> Relationship or association	

8. Acts of alleged discrimination: *What did the person/company you are complaining against do? Check all that apply*

<input type="checkbox"/> Refused to hire me	<input checked="" type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input checked="" type="checkbox"/> Denied my request for an accommodation for my disability, or pregnancy-related condition	<input checked="" type="checkbox"/> Sexual harassment
<input checked="" type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for domestic violence	<input checked="" type="checkbox"/> Harassed or intimidated me on any basis indicated above
<input type="checkbox"/> Demoted me	<input type="checkbox"/> Did not call back after lay-off	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Denied services or treated differently by a temp or employment agency
<input type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Denied a license by a licensing agency
<input type="checkbox"/> Denied me training	<input type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Discriminatory advertisement or inquiry or job application	<input checked="" type="checkbox"/> Other: failed to investigate complaints of retaliation and discrimination

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

Response to #9 attached hereto.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Leah McSweeney (“Ms. McSweeney” or “Complainant”), by and through her attorneys, Adelman Matz P.C., as and for her complaint against Bravo Media LLC (“Bravo”), Shed Media, Ltd. (“Shed”), and Warner Bros. Discovery (“Warner”) (Bravo, Shed, and Warner collectively referred to as the “Companies”), as well as Andy Cohen (“Cohen”), and Shed producers, Lisa Shannon (“Ms. Shannon”), John Paparazzo (“Mr. Paparazzo”), and Darren Ward (“Mr. Ward”) individually (Ms. Shannon, Mr. Paparazzo, and Mr. Ward collectively referred to as the “Shed Producers”) (the Companies, Cohen, and Shed Producers are collectively referred to herein as the “RHONY Employers”), alleges unsafe working conditions, negligence, hostile work environment, gender-based and disability-based discrimination and harassment, failure to provide reasonable accommodations, and retaliation against Ms. McSweeney during her employment with the Companies in violation of *inter alia*, the Americans with Disabilities Act of 1990 (ADA), New York State Human Rights Law (“NYSHRL”), New York City Human Rights Law (“NYCHRL”) and National Labor Relations Act (“NLRA”).

Ms. McSweeney has been working with the RHONY Employers since 2019 when she joined the cast of the Bravo television show Real Housewives of New York (“RHONY”), and in addition to being part of the cast for each season since she joined, has also participated in various spin off shows including Real Housewives: Ultimate Girls Trip Season 3 (“UGT”) (RHONY and UGT are collectively referred to as the “RHONY Productions”).¹ During Ms. McSweeney’s tenure, and given the intimate nature of the RHONY Productions, the Shed Producers have learned a great deal of information about Ms. McSweeney’s personal life, including her history of alcoholism and mental health issues, which include depression and anxiety. There is no dispute that the RHONY Employers had actual knowledge of Ms. McSweeney’s disabilities, and yet not only did they intentionally fail to provide a reasonable accommodation for those disabilities, they openly retaliated against Ms. McSweeney merely for having them. Further, the Shed Producers purposefully exacerbated Ms. McSweeney’s mental health and disability-related symptoms in efforts to further their goal of portraying Ms. McSweeney as an overly emotional and mentally unstable woman, as they did with most of the women on the show.

The RHONY Employers created a work environment that is gender-biased and hostile towards woman. Indeed, the entire “Real Housewives” franchise thrives off of the most incendiary portrayals of the female cast members (the “Housewives”), and to maintain viewership the RHONY Employers allow, encourage and participate in a hostile work environment where the Housewives are belittled, ridiculed, subjected to sexist stereotypes and discriminatory conduct that affects and permeates Housewives’ working conditions, including how they are treated on a daily basis and future press and employment opportunities. The RHONY Employers’ biases against women are evidenced by the favorable treatment that male cast members, such as husbands of the Housewives, receive. Indeed, the male cast members are not made subject to the same hostility, sexist comments, or retaliation from producers or any of the RHONY Employers, all of which the women are made to endure on a daily basis.

¹ RHONY is an installment the “Real Housewives” franchise, a television series aired on Bravo network, which documents the personal and professional lives of affluent women in New York. UGT is a spin-off show in which cast members from Bravo’s various “Real Housewives” installments are put on a cast together for a “girls trip”. Both seasons of RHONY and UGT at issue (Season 13 of RHONY and Season 3 of UGT) were produced by Shed.

In addition to the foregoing, the RHONY employers have also created a culture where women, like Ms. McSweeney who make any effort to complain or speak out against improper employment practices are retaliated against. Indeed, these women are degraded and treated with open hostility, and any complaints of such treatment are met with the Housewives being labeled as a problem, ‘not made for [TV]’, ‘argumentative’, and otherwise given negative reputations on- and off-air. The Housewives’ working conditions are intentionally made to be so oppressive that either their performance suffers, thereby lessening their chances of future employment, or they engage in outrageous behavior that is contrary to their well-being, while male cast members are never put in such a position due to their favorable treatment.

Ms. McSweeney has long-witnessed this culture of gender-biased attitudes and disparate treatment that has been enabled and perpetrated by the RHONY Employers. The RHONY Employers’ gender-biases were further evidenced by their unreasonable interference with Ms. McSweeney’s work performance through the exploitation of her disabilities, and the continuous campaign of harassment and retaliation waged against Ms. McSweeney in hopes that she would gain the reputation of a stereotypical mentally and emotionally unstable woman. The hostile environment then continued to intensify for Ms. McSweeney when she began to speak out and openly oppose employment practices that were discriminatory and potentially violative of various employment laws.

As just one example, during a cast trip to the Hamptons during the filming of RHONY (the “Hamptons Trip”), despite an onset of panic attacks over the imminent death of her grandmother, which was only exacerbating her pre-existing mental health conditions, the Shed Producers failed to provide any reasonable accommodation to leave the trip and to the contrary made Ms. McSweeney feel that if she left, she would be fired, and therefore had no choice but to stay while her anxiety worsened. As if essentially trapping Ms. McSweeney while her grandmother was dying and she was having panic attacks was not bad enough by itself, the RHONY Employers intentionally failed to give Ms. McSweeney any accommodation because they wanted to use her worsening mental conditions, distress and suffering as a storyline and to create drama. This conduct violates Ms. McSweeney’s right to reasonable accommodation and given its despicable nature, constitutes intentional infliction of emotional distress and created an unsafe working environment for Ms. McSweeney. Not being able to have the time and space to seek treatment and the RHONY Employers’ failure to provide an accommodation for the sake of selling drama, without question created an unsafe working condition for Ms. McSweeney, which she is entitled to complain about and address with the RHONY Employers and her fellow female co-workers. *See e.g. People v Amazon.com.*, 205 AD3d 485, 486 (1st Dept 2022) (notifying fellow employees of unsafe working conditions for their mutual protection is a protected activity).

However, when Ms. McSweeney lawfully discussed the incident during the filming of UGT in July of 2022, not only did the RHONY Employers fail to responsibly investigate, they openly retaliated against Ms. McSweeney by starting a malicious campaign to ruin Ms. McSweeney’s reputation and cause her further emotional and mental harm. Specifically, immediately i.e. the day after Ms. McSweeney disclosed the unsafe working conditions and the RHONY Employers’ failure to act appropriately during the Hamptons Trip, Mr. Paparazzo and Mr. Ward told Ms. McSweeney that Ms. Shannon was “pissed” at Ms. McSweeney for disclosing what happened to her on the Hamptons Trip, and the Shed Producers called Ms. McSweeney a liar. Mr. Paparazzo and Mr. Ward even went on to threaten Ms. McSweeney’s job saying, “Maybe

you're not made for this", and telling her "You're going to get it today" and "If you want to be on TV act like it". These are just a few examples of comments that caused Ms. McSweeney to believe that if she continued to complain about the hostile work environment she was made subject to, she would be fired.

In further retaliation for Ms. McSweeney's disclosures, or as the Shed Producers admittedly called it "payback for making them look bad", every day thereafter the Shed Producers came up with a new way to harass Ms. McSweeney for the express purpose of causing Ms. McSweeney mental pain and suffering. The Shed Producers employed the UGT cast and guests, including a fortune teller who was obviously prepped by Shed with information about Ms. McSweeney to continuously bring up her history of drinking and mental health issues against Ms. McSweeney's wishes and in the hopes that it would worsen Ms. McSweeney's mental conditions and would cause her to start drinking again. Indeed, the RHONY Employers and their employees Cohen have previously made comments about the hopes that Ms. McSweeney would relapse during filming. As another example, Ms. Shannon has directly stated that because Ms. McSweeney is now sober she is "not the Leah we know and love" and tried to bait Ms. McSweeney into a relapse by telling her that the audience did not like her because she was not drinking. Indeed, this is a pattern of conduct by Ms. Shannon, who has also failed to accommodate other female cast members' disabilities. For example, Ms. Shannon even glorified the fact that another RHONY cast member, Luann de Lesseps, had started drinking again by telling Ms. McSweeney, "I love when Luann is ON" referring to her relapse. During UGT, Ms. McSweeney was told her scenes were "boring" and she faced severe distress behind the scenes regarding her alcoholism and current sobriety.

In fact, there is a plethora of documentation showing that the Shed Producers, Mr. Cohen, and the Companies did nothing when Ms. McSweeney complained that other cast members and the Shed Producers' encouraging her to drink made her feel uncomfortable. As just one example, when Ms. McSweeney texted Mr. Ward saying that she felt very uncomfortable because the women were "trying to undermine [her sobriety]", Mr. Ward responded saying, "get out of your head" and did nothing. Similarly, when Ms. McSweeney told Mr. Paparazzo that another cast member had told her, "I wish you were still drinking", which made Ms. McSweeney uncomfortable, Mr. Paparazzo replied, "You're good".

The Shed Producers also failed to accommodate Ms. McSweeney's need to go to AA meetings during the filming of UGT. Indeed, not only did Mr. Paparazzo tell Ms. McSweeney that Shed would not provide transportation to get to the meetings in Thailand, he also told her that there would be no time for her to go because of the filming schedule. Ms. McSweeney became so distraught over the constant exploitation of her disability and lack of accommodation, that she became ill and needed medical treatment, which Shed also negligently failed to provide, and resulted in Ms. McSweeney being hospitalized.

The constant "discriminatory intimidation, ridicule, and insult" that Ms. McSweeney was made subject to was obviously so severe and pervasive that it altered the conditions of Ms. McSweeney's employment and the mental and physical suffering she was enduring impaired her work performance. *Cf. Novak v Royal Life Ins. Co. Of New York Inc.*, 284 AD2d 892, 893 (3d Dept 2001) (holding occasional sarcastic remarks about plaintiff's weight and a heightened

awareness of plaintiff's medical condition of disability were so infrequent that it did not rise to the level of hostile work environment).

The Shed Producers knew Ms. McSweeney was struggling with her disabilities and needed reasonable accommodation, and in line with the RHONY Employers' practices of forcing the women to continue to work in a hostile environment, absolutely nothing was done to help her. Instead, the Shed Producers exploited the anxiety they caused Ms. McSweeney and trivialized same as nothing more than the archetypal hysteria associated with the women on the show. For example, on another occasion Ms. McSweeney complained to Ms. Shannon about Mr. Paparazzo and Mr. Ward's retaliatory act of showing the cast Ms. McSweeney's text messages about how uncomfortable she was on the trip in efforts to further ostracize her from the group. Ms. Shannon told her to "play it out in her head" and question "why would they say that" and trivialized her legitimate complaints by telling Ms. McSweeney that "it doesn't even matter" and she should focus on "build[ing] on the momentum of today". Clearly Ms. Shannon held different expectations for the women, like Ms. McSweeney, who were expected to keep working and suffer such a hostile work environment in silence—at a minimum, Ms. Shannon's failure to act condoned such conduct. See *Matter of Rensselaer County Sheriff's Dept. v New York State Div. of Human Rights*, 131 AD3d 777, 780 (2011) (finding there was a rational basis for the determination that supervisor condoned disparate treatment of male and female employees where "Seabury testified that Smith would tell her, 'be tough' and '[y]ou need to be strong,' but failed to reprimand the offending employees.").

Moreover, there is ample evidence that the RHONY Employers have and will continue to retaliate against Ms. McSweeney for raising concerns about the continuous harassment and discrimination she faced. Indeed, while filming UGT, another one of the Shed producers, Shanae Humphrey, told Ms. McSweeney that if she brought up the Shed Producers' harassing conduct and failure to accommodate during the UGT finale dinner, then Ms. McSweeney "will never work again", and directed Ms. McSweeney to talk about her struggles with drinking, anxiety and depression instead. Then, this promise came to fruition. Despite months of being told she would part of the Real Housewives Legacy cast ("Legacy")², after the events of UGT she was not chosen to be on the show.

These unlawful business practices are shared by the RHONY Employers, all of which have encouraged and furthered the hostile and abusive work environment that Ms. McSweeney has been subject to since she started on RHONY. That the RHONY Employers want to sell drama and increase ratings is not an excuse to violate well established employment laws and foster an unsafe, discriminatory, harassing, and hostile work environment and then try to destroy employment opportunities for those women who engage in protected activity by complaining about or discussing their concerns over these practices.

Ms. McSweeney has not been the only victim. To get higher ratings, the RHONY Employers have encouraged and essentially forced female cast members to push storylines that promote physical abuse (i.e., preventing Heather Gay from disclosing how she got a black eye for weeks on the Real Housewives of Salt Lake City), sexual assault (i.e., Brandi Glanville engaging "non-consensual kissing" and unauthorized touching of other women while filming Real

² Real Housewives Legacy is an installment of the Real Housewives franchise.

Housewives: Ultimate Girls Trip Season 4), racism (i.e., organizing a “Plantation Dinner” during Season 13 of RHONY), alcohol abuse (i.e., allowing cast members with known drinking problems, such as Sonja Morgan and Brandi Glanville, to drink to the point that they harm themselves or others), and mental anguish. The disparate treatment of these women by the RHONY Employers was also recently made public during the Season 13 reunion episode of the Real Housewives of New Jersey (“RHONJ”). Indeed, Andy Cohen received backlash from fans in early June when a video of the episode surfaced, showing Cohen yelling at one of the RHONJ Housewives, Teresa Guidice, to let another male cast member (her brother, Joe Gorga), speak. See June 6, 2023, “‘RHONJ’ fans blast Andy Cohen for ‘belittling’ women: He ‘needs to be put on pause’”, <https://pagesix.com/2023/06/06/rhonj-fans-slam-andy-cohen-for-belittling-cast-at-reunion/>.

The RHONY Employers deliberately perpetuated patterns of discriminatory behavior towards their employees and unlawfully failed time and again to protect their employees and created an environment where an employee can raise concerns without being retaliated against. A similar situation occurred with Eboni Williams, an African American cast member on RHONY Season 13, who complained to HR when she was made subject to racial discrimination and harassment by a white cast member, Ramona Singer. Instead of addressing the issue, the RHONY Employers allowed what they called a “sensitivity training” to become a meeting wherein white female cast members were allowed to insult people of color. When Ms. Williams said she was going to talk about her complaint to HR on the RHONY Season 13 reunion, Ms. Shannon told Ms. McSweeney if she did they would cut it out. Further, when news of Ms. Williams’ complaint broke in a realityblurb.com article, Mr. Paparazzo texted Ms. McSweeney saying, “I officially hate her” and “I just wish someone from Bravo would say it’s not true . . . and then she would look like a big liar.” Sezin Cavusoglu, also employed by Shed, also messaged Ms. McSweeney that Ms. Williams was just “trying to be relevant”, and there are texts from Ms. Shannon that Ms. Williams was perpetuating an “argumentative” stereotype.

Further, the RHONY Employers’ failure to address Ms. McSweeney’s complaints about Mr. Paparazzo and Mr. Ward is in line with their pattern of ignoring complaints about the male producers and their complicity in unlawful workplace behaviors. Indeed, HR complaints aside from Ms. McSweeney’s have been lodged against Mr. Paparazzo for other inappropriate behavior, and aside from sham investigations into same, nothing is done to stop it. It is the RHONY Employers’ acquiescence to unlawful employment behaviors that created a workplace culture where male producers like Mr. Paparazzo and Mr. Ward had no reason to follow employment law, as they knew that they could act however they wished to without punishment.

The failure to take appropriate remedial actions time and time again has created an environment where there is absolutely no accountability for wrongdoing so that the producers and other employees of the RHONY Employers know they can continue to perpetuate these despicable and unlawful practices with impunity, and anyone who complains about it will be silenced. Indeed, it is well known by Ms. McSweeney and other female cast members that they could not go to human resources without fear of being ostracized and retaliated against, which is against the law and is exactly what happened to Ms. McSweeney. See *Mykytyn v Hannaford Bros. Co.*, 141 AD3d 1153, 1156 (4th Dept 2016) (stating employers liable for negligence in context of a claim of hostile work environment where employer fails to provide a reasonable avenue for complaint or it knew,

or in the exercise of reasonable care should have known, about harassment yet failed to take appropriate remedial action).

Not only are the Companies liable for approving the discriminatory actions of their employees, but the Shed Producers are all subject to individual liability for their direct participation in and aiding and abetting one another's discriminatory conduct. Each of them directly participated in the discriminatory conduct by, among other things, intentionally creating a hostile work environment, discriminating against Ms. McSweeney based on her gender and disability, failing to give Ms. McSweeney reasonable accommodations, and retaliating against her for needing them. See *New York State Div. of Human Rights*, 162 AD3d 576 (upholding aiding and abetting determination); see also *Williams v. New York City Hous. Auth.*, 61 A.D.3d 62, 75 ("sexual harassment" [can] be viewed as "one species of sex- or gender-based discrimination"). These actions also constitute intentional infliction of emotional distress, because under New York law, where a plaintiff is the target of "a planned program of harassment or threats," accompanied by "vindictiveness, taunting or derision," a cause of action for intentional infliction of emotional distress that includes the entire course of conduct may be established. *Bonner v. Guccione*, 916 F. Supp. 271, 277 (S.D.N.Y. 1996) quoting *Nestlerode v. Federal Insurance Company*, 414 N.Y.S.2d 398, 400 (4th Dep't.), app. denied, 48 N.Y.2d 604 (1979).

An employer's intent to aid and abet discriminatory conduct can be inferred from its negligent failure to make a timely good faith investigation into an employee's complaints. See *Ananiadis v Mediterranean Gyros Products, Inc.*, 151 AD3d 915, 918 (2d Dept 2017) ("Indeed, a failure to conduct a proper and thorough investigation or to take remedial measures upon a plaintiff's complaint of discriminatory conduct is sufficient to impose liability on an aiding and abetting theory."); see also *Mykytyn v Hannaford Bros. Co.*, 141 AD3d at 1156. Here Ms. McSweeney's complaints about Mr. Paparazzo and Mr. Ward's retaliation and discrimination after the second day of filming UGT on July 19, 2022, fell on completely deaf ears. The Companies, through Ms. Shannon and Andy Cohen, knew of the complaints, but failed to conduct an investigation or take any other remedial measures until November 3, 2022, when Warner initiated a formal investigation after a conversation between its counsel and Ms. McSweeney and her attorney. The Companies' negligence not only resulted in further injury to Ms. McSweeney, but it is also evidence of the Companies' intent to aid and abet these unlawful practices. See *Ananiadis*, 151 AD3d at 918.

It is also evident that even the investigation that supposedly took place in November and December of 2022 was not conducted properly or in good faith. Ms. Silisha Platon ("Ms. Platon"), one of the investigators from Warner, verbally told Ms. McSweeney on December 21, 2022 that employment policies were in fact violated and that they were disciplining an employee for same (although Ms. Platon would not disclose the employee or the discipline, because Ms. McSweeney was also an employee). Then, after weeks of Ms. McSweeney requesting an investigation report, Ms. Platon sends a one-paragraph "Conclusion Letter" stating, "that, more likely than not, there were no specific policy violations," and offering a time to "discuss further" if Ms. McSweeney wanted additional information about the investigation. It is beyond cavil that the "investigation" was a sham intended to make it seem as if the RHONY Employers are acting in good faith, when in reality they are not. Indeed, even after knowing Ms. McSweeney had forged a complaint of discrimination and retaliation, Bravo continued to cause Ms. McSweeney mental pain and

suffering—in efforts to provoke and upset her at the workplace, prior to one of her UGT confessionals³ that was being filmed in late December 2022, Bravo told Ms. McSweeney to say during the confessional that she still wanted to be on the Legacy cast, even though she knew she had not been chosen as a result of the events of UGT and her complaints about the Shed Producers. Clearly the RHONY Employers did not take Ms. McSweeney’s complaints seriously as they continued to engage in harassing conduct.

It is beyond clear that Ms. McSweeney was subject to adverse employment actions, including a hostile work environment, retaliation, and the RHONY Employers failed to provide reasonable accommodations and investigate her complaints timely and in good faith. The RHONY Employers have engaged in a pattern, indeed a business practice of, flagrantly and intentionally violating the foregoing laws and then retaliating against anyone who complains with impunity. Ms. McSweeney has been and will continue to be damaged as a direct result of the RHONY Employers’ and Shed Producers’ egregious, intentional, and reprehensible actions that are in violation of the ADA, NYSHRL, and NYCHRL, as well as anti-retaliation provisions under said statutes and the NRLA.

³ “Confessionals” are direct-to-camera interviews with Real Housewives cast members that are filmed later and often at another location from where the show is filmed, which are typically edited and phrased to come across like an immediate commentary on what happened in the show.

Signature (Declaration or Oath)

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL LM

Human Rights Law § 297.1 requires that a complaint filed with the Division of Human Rights must be "under oath or by declaration." **You must complete either the "declaration" or "oath" sections below.** The declaration requires only your signature and does not need to be notarized. The oath requires that you sign it before a notary.

DECLARATION

I affirm this 30th day of June (month), 2023 (year) at New York (city), NY (state), under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.



[Complainant name]

OATH

STATE OF NEW YORK)
COUNTY OF) SS:

_____, being duly sworn, deposes and says: that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and knows the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believes the same to be true.

Complainant signature

Subscribed and sworn to
before me this day
of , 20

Signature of Notary Public

Please note: Once this form is completed and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.



MADYSON NUCCI
ASSOCIATE
MNUCCI@ADELMANMATZ.COM
DIR: (646) 650-2198

RECEIVED

By Upper Manhattan Regional Office at 5:52 pm, Jul 03, 2023

June 30, 2023

VIA E-MAIL

Michael J Hallet
NYS Division of Human Rights Manhattan Office
Adam Clayton Powell Jr. State Off. Bldg.
163 West 125th Street, 4th Floor
New York, NY 10027
Email: michael.hallett@dhr.ny.gov

**Re: Leah McSweeney v. Lisa Shannon, John Paparazzo, Darren Ward, Warner Bros. Discovery, Inc.
Case No. 10223951
Amended Employment Discrimination Complaint**

To Whom It May Concern:

Please be advised that Adelman Matz P.C. represents Leah McSweeney ("Ms. McSweeney") who is the declarant of the Employment Discrimination Complaint initially filed on March 15, 2023 against Lisa Shannon, John Paparazzo, Darren Ward, Warner Bros. Discovery, Inc.

Enclosed please find Ms. McSweeney's First Amended Employment Discrimination Complaint Form, which we are filing on Ms. McSweeney's behalf.

If you have any questions or concerns, please do not hesitate to contact our office at the phone number or e-mail address above. We respectfully request that you direct all future communications in connection with this matter to our office.

Best regards,

Madysen R. Nucci, Esq.

Enclosure.

ADELMAN MATZ P.C.

PHONE: (646) 650-2207 • FAX: (646) 650-2108

MAILING:

1159 SECOND AVENUE, SUITE 153
NEW YORK, NEW YORK 10065

OFFICE:

800 THIRD AVENUE, 25TH FLOOR
NEW YORK, NEW YORK 10022

New York State Division of Human Rights Employment Complaint Form

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18.

1. Your contact information:					
First Name Sarah			Middle Initial/Name M.		
Last Name Matz					
Street Address/ PO Box 1159 Second Ave.			Apt or Floor #: Suite 153		
City New York			State NY		Zip Code 10065
If you are filing on behalf of another, provide the name of that person: Leah McSweeney			Date of birth: <div style="background-color: black; width: 80px; height: 20px;"></div>		Relationship: Client
2. Regulated Areas: Check the area where the discrimination occurred: (If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.) <div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> Employment (<i>including paid internship</i>) <input type="checkbox"/> Internship (<i>unpaid</i>) <input type="checkbox"/> Contract Work (<i>independent contractor, or work for a contractor</i>) <input type="checkbox"/> Volunteer Position</div><div><input type="checkbox"/> by a Labor Organization <input type="checkbox"/> Apprenticeship Training <input type="checkbox"/> by a Temp or Employment Agency <input type="checkbox"/> Licensing</div></div>					
3. You are filing a complaint against:					
Employer, Worksite, Agency or Union Name Employer: Shed Media, Ltd., a division of Warner Bros.					
Street Address/ PO Box 3800 Barham Blvd., Suite 410					
City Los Angeles			State CA		Zip Code 90068
Telephone Number: (323) 904-4680					
In what county or borough did the violation take place? County of New York					
Individual people who discriminated against you: Name: Andy Cohen Title: Real Housewives of NY Producer Name: Bravo Media LLC Title: Company If you need more space, please list them on a separate piece of paper.					
4. Date of alleged discrimination (must be within one year of filing): The most recent act of discrimination happened on: 12 14 2022 month day year					
5. For employment and internships, how many employees does this company have? <input type="checkbox"/> 1-14 <input type="checkbox"/> 15-19 <input checked="" type="checkbox"/> 20 or more <input type="checkbox"/> Don't know					

6. Are you currently working for this company?	
<input type="checkbox"/> Yes. Date of hire: _____ <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>	What is your position?
<input checked="" type="checkbox"/> No. Last day of work: <u>12</u> / <u>14</u> / <u>2022</u> <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>	What was your position? Cast Member
<input type="checkbox"/> I was never hired. Date of application: _____ <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>	What position did you apply for?

7. Basis of alleged discrimination:	
Check ONLY the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.	
<input type="checkbox"/> Age: Date of Birth: _____	<input checked="" type="checkbox"/> Familial Status:
<input type="checkbox"/> Arrest Record	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input type="checkbox"/> National Origin: Please specify: _____
<input checked="" type="checkbox"/> Disability: Please specify: <u>mental health/alc</u>	<input type="checkbox"/> Predisposing Genetic Characteristic:
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____
<input checked="" type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input type="checkbox"/> Race/Color or Ethnicity: Please specify: _____ <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle	<input checked="" type="checkbox"/> Sex: Please specify: <u>Female</u> Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Use of Guide Dog, Hearing Dog, or Service Dog	
If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:	
<input checked="" type="checkbox"/> Retaliation: How did you oppose discrimination: disclosed failure to accommodate and unsafe working conditions	
If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below.	
<input type="checkbox"/> Relationship or association	

8. Acts of alleged discrimination: *What did the person/company you are complaining against do? Check all that apply*

<input type="checkbox"/> Refused to hire me	<input checked="" type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input checked="" type="checkbox"/> Denied my request for an accommodation for my disability, or pregnancy-related condition	<input checked="" type="checkbox"/> Sexual harassment
<input checked="" type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for domestic violence	<input checked="" type="checkbox"/> Harassed or intimidated me on any basis indicated above
<input type="checkbox"/> Demoted me	<input type="checkbox"/> Did not call back after lay-off	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Denied services or treated differently by a temp or employment agency
<input type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Denied a license by a licensing agency
<input type="checkbox"/> Denied me training	<input type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Discriminatory advertisement or inquiry or job application	<input checked="" type="checkbox"/> Other: failed to investigate complaints of retaliation and discrimination

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

Response to #9 attached hereto.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Leah McSweeney (“Ms. McSweeney” or “Complainant”), by and through her attorneys, Adelman Matz P.C., as and for her complaint against Bravo Media LLC (“Bravo”), Shed Media, Ltd. (“Shed”), and Warner Bros. Discovery (“Warner”) (Bravo, Shed, and Warner collectively referred to as the “Companies”), as well as Andy Cohen (“Cohen”), and Shed producers, Lisa Shannon (“Ms. Shannon”), John Paparazzo (“Mr. Paparazzo”), and Darren Ward (“Mr. Ward”) individually (Ms. Shannon, Mr. Paparazzo, and Mr. Ward collectively referred to as the “Shed Producers”) (the Companies, Cohen, and Shed Producers are collectively referred to herein as the “RHONY Employers”), alleges unsafe working conditions, negligence, hostile work environment, gender-based and disability-based discrimination and harassment, failure to provide reasonable accommodations, and retaliation against Ms. McSweeney during her employment with the Companies in violation of *inter alia*, the Americans with Disabilities Act of 1990 (ADA), New York State Human Rights Law (“NYSHRL”), New York City Human Rights Law (“NYCHRL”) and National Labor Relations Act (“NLRA”).

Ms. McSweeney has been working with the RHONY Employers since 2019 when she joined the cast of the Bravo television show Real Housewives of New York (“RHONY”), and in addition to being part of the cast for each season since she joined, has also participated in various spin off shows including Real Housewives: Ultimate Girls Trip Season 3 (“UGT”) (RHONY and UGT are collectively referred to as the “RHONY Productions”).¹ During Ms. McSweeney’s tenure, and given the intimate nature of the RHONY Productions, the Shed Producers have learned a great deal of information about Ms. McSweeney’s personal life, including her history of alcoholism and mental health issues, which include depression and anxiety. There is no dispute that the RHONY Employers had actual knowledge of Ms. McSweeney’s disabilities, and yet not only did they intentionally fail to provide a reasonable accommodation for those disabilities, they openly retaliated against Ms. McSweeney merely for having them. Further, the Shed Producers purposefully exacerbated Ms. McSweeney’s mental health and disability-related symptoms in efforts to further their goal of portraying Ms. McSweeney as an overly emotional and mentally unstable woman, as they did with most of the women on the show.

The RHONY Employers created a work environment that is gender-biased and hostile towards woman. Indeed, the entire “Real Housewives” franchise thrives off of the most incendiary portrayals of the female cast members (the “Housewives”), and to maintain viewership the RHONY Employers allow, encourage and participate in a hostile work environment where the Housewives are belittled, ridiculed, subjected to sexist stereotypes and discriminatory conduct that affects and permeates Housewives’ working conditions, including how they are treated on a daily basis and future press and employment opportunities. The RHONY Employers’ biases against women are evidenced by the favorable treatment that male cast members, such as husbands of the Housewives, receive. Indeed, the male cast members are not made subject to the same hostility, sexist comments, or retaliation from producers or any of the RHONY Employers, all of which the women are made to endure on a daily basis.

¹ RHONY is an installment the “Real Housewives” franchise, a television series aired on Bravo network, which documents the personal and professional lives of affluent women in New York. UGT is a spin-off show in which cast members from Bravo’s various “Real Housewives” installments are put on a cast together for a “girls trip”. Both seasons of RHONY and UGT at issue (Season 13 of RHONY and Season 3 of UGT) were produced by Shed.

In addition to the foregoing, the RHONY employers have also created a culture where women, like Ms. McSweeney who make any effort to complain or speak out against improper employment practices are retaliated against. Indeed, these women are degraded and treated with open hostility, and any complaints of such treatment are met with the Housewives being labeled as a problem, ‘not made for [TV]’, ‘argumentative’, and otherwise given negative reputations on- and off-air. The Housewives’ working conditions are intentionally made to be so oppressive that either their performance suffers, thereby lessening their chances of future employment, or they engage in outrageous behavior that is contrary to their well-being, while male cast members are never put in such a position due to their favorable treatment.

Ms. McSweeney has long-witnessed this culture of gender-biased attitudes and disparate treatment that has been enabled and perpetrated by the RHONY Employers. The RHONY Employers’ gender-biases were further evidenced by their unreasonable interference with Ms. McSweeney’s work performance through the exploitation of her disabilities, and the continuous campaign of harassment and retaliation waged against Ms. McSweeney in hopes that she would gain the reputation of a stereotypical mentally and emotionally unstable woman. The hostile environment then continued to intensify for Ms. McSweeney when she began to speak out and openly oppose employment practices that were discriminatory and potentially violative of various employment laws.

As just one example, during a cast trip to the Hamptons during the filming of RHONY (the “Hamptons Trip”), despite an onset of panic attacks over the imminent death of her grandmother, which was only exacerbating her pre-existing mental health conditions, the Shed Producers failed to provide any reasonable accommodation to leave the trip and to the contrary made Ms. McSweeney feel that if she left, she would be fired, and therefore had no choice but to stay while her anxiety worsened. As if essentially trapping Ms. McSweeney while her grandmother was dying and she was having panic attacks was not bad enough by itself, the RHONY Employers intentionally failed to give Ms. McSweeney any accommodation because they wanted to use her worsening mental conditions, distress and suffering as a storyline and to create drama. This conduct violates Ms. McSweeney’s right to reasonable accommodation and given its despicable nature, constitutes intentional infliction of emotional distress and created an unsafe working environment for Ms. McSweeney. Not being able to have the time and space to seek treatment and the RHONY Employers’ failure to provide an accommodation for the sake of selling drama, without question created an unsafe working condition for Ms. McSweeney, which she is entitled to complain about and address with the RHONY Employers and her fellow female co-workers. *See e.g. People v Amazon.com.*, 205 AD3d 485, 486 (1st Dept 2022) (notifying fellow employees of unsafe working conditions for their mutual protection is a protected activity).

However, when Ms. McSweeney lawfully discussed the incident during the filming of UGT in July of 2022, not only did the RHONY Employers fail to responsibly investigate, they openly retaliated against Ms. McSweeney by starting a malicious campaign to ruin Ms. McSweeney’s reputation and cause her further emotional and mental harm. Specifically, immediately i.e. the day after Ms. McSweeney disclosed the unsafe working conditions and the RHONY Employers’ failure to act appropriately during the Hamptons Trip, Mr. Paparazzo and Mr. Ward told Ms. McSweeney that Ms. Shannon was “pissed” at Ms. McSweeney for disclosing what happened to her on the Hamptons Trip, and the Shed Producers called Ms. McSweeney a liar. Mr. Paparazzo and Mr. Ward even went on to threaten Ms. McSweeney’s job saying, “Maybe

you're not made for this", and telling her "You're going to get it today" and "If you want to be on TV act like it". These are just a few examples of comments that caused Ms. McSweeney to believe that if she continued to complain about the hostile work environment she was made subject to, she would be fired.

In further retaliation for Ms. McSweeney's disclosures, or as the Shed Producers admittedly called it "payback for making them look bad", every day thereafter the Shed Producers came up with a new way to harass Ms. McSweeney for the express purpose of causing Ms. McSweeney mental pain and suffering. The Shed Producers employed the UGT cast and guests, including a fortune teller who was obviously prepped by Shed with information about Ms. McSweeney to continuously bring up her history of drinking and mental health issues against Ms. McSweeney's wishes and in the hopes that it would worsen Ms. McSweeney's mental conditions and would cause her to start drinking again. Indeed, the RHONY Employers and their employees Cohen have previously made comments about the hopes that Ms. McSweeney would relapse during filming. As another example, Ms. Shannon has directly stated that because Ms. McSweeney is now sober she is "not the Leah we know and love" and tried to bait Ms. McSweeney into a relapse by telling her that the audience did not like her because she was not drinking. Indeed, this is a pattern of conduct by Ms. Shannon, who has also failed to accommodate other female cast members' disabilities. For example, Ms. Shannon even glorified the fact that another RHONY cast member, Luann de Lesseps, had started drinking again by telling Ms. McSweeney, "I love when Luann is ON" referring to her relapse. During UGT, Ms. McSweeney was told her scenes were "boring" and she faced severe distress behind the scenes regarding her alcoholism and current sobriety.

In fact, there is a plethora of documentation showing that the Shed Producers, Mr. Cohen, and the Companies did nothing when Ms. McSweeney complained that other cast members and the Shed Producers' encouraging her to drink made her feel uncomfortable. As just one example, when Ms. McSweeney texted Mr. Ward saying that she felt very uncomfortable because the women were "trying to undermine [her sobriety]", Mr. Ward responded saying, "get out of your head" and did nothing. Similarly, when Ms. McSweeney told Mr. Paparazzo that another cast member had told her, "I wish you were still drinking", which made Ms. McSweeney uncomfortable, Mr. Paparazzo replied, "You're good".

The Shed Producers also failed to accommodate Ms. McSweeney's need to go to AA meetings during the filming of UGT. Indeed, not only did Mr. Paparazzo tell Ms. McSweeney that Shed would not provide transportation to get to the meetings in Thailand, he also told her that there would be no time for her to go because of the filming schedule. Ms. McSweeney became so distraught over the constant exploitation of her disability and lack of accommodation, that she became ill and needed medical treatment, which Shed also negligently failed to provide, and resulted in Ms. McSweeney being hospitalized.

The constant "discriminatory intimidation, ridicule, and insult" that Ms. McSweeney was made subject to was obviously so severe and pervasive that it altered the conditions of Ms. McSweeney's employment and the mental and physical suffering she was enduring impaired her work performance. *Cf. Novak v Royal Life Ins. Co. Of New York Inc.*, 284 AD2d 892, 893 (3d Dept 2001) (holding occasional sarcastic remarks about plaintiff's weight and a heightened

awareness of plaintiff's medical condition of disability were so infrequent that it did not rise to the level of hostile work environment).

The Shed Producers knew Ms. McSweeney was struggling with her disabilities and needed reasonable accommodation, and in line with the RHONY Employers' practices of forcing the women to continue to work in a hostile environment, absolutely nothing was done to help her. Instead, the Shed Producers exploited the anxiety they caused Ms. McSweeney and trivialized same as nothing more than the archetypal hysteria associated with the women on the show. For example, on another occasion Ms. McSweeney complained to Ms. Shannon about Mr. Paparazzo and Mr. Ward's retaliatory act of showing the cast Ms. McSweeney's text messages about how uncomfortable she was on the trip in efforts to further ostracize her from the group. Ms. Shannon told her to "play it out in her head" and question "why would they say that" and trivialized her legitimate complaints by telling Ms. McSweeney that "it doesn't even matter" and she should focus on "build[ing] on the momentum of today". Clearly Ms. Shannon held different expectations for the women, like Ms. McSweeney, who were expected to keep working and suffer such a hostile work environment in silence—at a minimum, Ms. Shannon's failure to act condoned such conduct. See *Matter of Rensselaer County Sheriff's Dept. v New York State Div. of Human Rights*, 131 AD3d 777, 780 (2011) (finding there was a rational basis for the determination that supervisor condoned disparate treatment of male and female employees where "Seabury testified that Smith would tell her, 'be tough' and '[y]ou need to be strong,' but failed to reprimand the offending employees.").

Moreover, there is ample evidence that the RHONY Employers have and will continue to retaliate against Ms. McSweeney for raising concerns about the continuous harassment and discrimination she faced. Indeed, while filming UGT, another one of the Shed producers, Shanae Humphrey, told Ms. McSweeney that if she brought up the Shed Producers' harassing conduct and failure to accommodate during the UGT finale dinner, then Ms. McSweeney "will never work again", and directed Ms. McSweeney to talk about her struggles with drinking, anxiety and depression instead. Then, this promise came to fruition. Despite months of being told she would part of the Real Housewives Legacy cast ("Legacy")², after the events of UGT she was not chosen to be on the show.

These unlawful business practices are shared by the RHONY Employers, all of which have encouraged and furthered the hostile and abusive work environment that Ms. McSweeney has been subject to since she started on RHONY. That the RHONY Employers want to sell drama and increase ratings is not an excuse to violate well established employment laws and foster an unsafe, discriminatory, harassing, and hostile work environment and then try to destroy employment opportunities for those women who engage in protected activity by complaining about or discussing their concerns over these practices.

Ms. McSweeney has not been the only victim. To get higher ratings, the RHONY Employers have encouraged and essentially forced female cast members to push storylines that promote physical abuse (i.e., preventing Heather Gay from disclosing how she got a black eye for weeks on the Real Housewives of Salt Lake City), sexual assault (i.e., Brandi Glanville engaging "non-consensual kissing" and unauthorized touching of other women while filming Real

² Real Housewives Legacy is an installment of the Real Housewives franchise.

Housewives: Ultimate Girls Trip Season 4), racism (i.e., organizing a “Plantation Dinner” during Season 13 of RHONY), alcohol abuse (i.e., allowing cast members with known drinking problems, such as Sonja Morgan and Brandi Glanville, to drink to the point that they harm themselves or others), and mental anguish. The disparate treatment of these women by the RHONY Employers was also recently made public during the Season 13 reunion episode of the Real Housewives of New Jersey (“RHONJ”). Indeed, Andy Cohen received backlash from fans in early June when a video of the episode surfaced, showing Cohen yelling at one of the RHONJ Housewives, Teresa Guidice, to let another male cast member (her brother, Joe Gorga), speak. See June 6, 2023, “‘RHONJ’ fans blast Andy Cohen for ‘belittling’ women: He ‘needs to be put on pause’”, <https://pagesix.com/2023/06/06/rhonj-fans-slam-andy-cohen-for-belittling-cast-at-reunion/>.

The RHONY Employers deliberately perpetuated patterns of discriminatory behavior towards their employees and unlawfully failed time and again to protect their employees and created an environment where an employee can raise concerns without being retaliated against. A similar situation occurred with Eboni Williams, an African American cast member on RHONY Season 13, who complained to HR when she was made subject to racial discrimination and harassment by a white cast member, Ramona Singer. Instead of addressing the issue, the RHONY Employers allowed what they called a “sensitivity training” to become a meeting wherein white female cast members were allowed to insult people of color. When Ms. Williams said she was going to talk about her complaint to HR on the RHONY Season 13 reunion, Ms. Shannon told Ms. McSweeney if she did they would cut it out. Further, when news of Ms. Williams’ complaint broke in a realityblurb.com article, Mr. Paparazzo texted Ms. McSweeney saying, “I officially hate her” and “I just wish someone from Bravo would say it’s not true . . . and then she would look like a big liar.” Sezin Cavusoglu, also employed by Shed, also messaged Ms. McSweeney that Ms. Williams was just “trying to be relevant”, and there are texts from Ms. Shannon that Ms. Williams was perpetuating an “argumentative” stereotype.

Further, the RHONY Employers’ failure to address Ms. McSweeney’s complaints about Mr. Paparazzo and Mr. Ward is in line with their pattern of ignoring complaints about the male producers and their complicity in unlawful workplace behaviors. Indeed, HR complaints aside from Ms. McSweeney’s have been lodged against Mr. Paparazzo for other inappropriate behavior, and aside from sham investigations into same, nothing is done to stop it. It is the RHONY Employers’ acquiescence to unlawful employment behaviors that created a workplace culture where male producers like Mr. Paparazzo and Mr. Ward had no reason to follow employment law, as they knew that they could act however they wished to without punishment.

The failure to take appropriate remedial actions time and time again has created an environment where there is absolutely no accountability for wrongdoing so that the producers and other employees of the RHONY Employers know they can continue to perpetuate these despicable and unlawful practices with impunity, and anyone who complains about it will be silenced. Indeed, it is well known by Ms. McSweeney and other female cast members that they could not go to human resources without fear of being ostracized and retaliated against, which is against the law and is exactly what happened to Ms. McSweeney. See *Mykytyn v Hannaford Bros. Co.*, 141 AD3d 1153, 1156 (4th Dept 2016) (stating employers liable for negligence in context of a claim of hostile work environment where employer fails to provide a reasonable avenue for complaint or it knew,

or in the exercise of reasonable care should have known, about harassment yet failed to take appropriate remedial action).

Not only are the Companies liable for approving the discriminatory actions of their employees, but the Shed Producers are all subject to individual liability for their direct participation in and aiding and abetting one another's discriminatory conduct. Each of them directly participated in the discriminatory conduct by, among other things, intentionally creating a hostile work environment, discriminating against Ms. McSweeney based on her gender and disability, failing to give Ms. McSweeney reasonable accommodations, and retaliating against her for needing them. See *New York State Div. of Human Rights*, 162 AD3d 576 (upholding aiding and abetting determination); see also *Williams v. New York City Hous. Auth.*, 61 A.D.3d 62, 75 ("sexual harassment" [can] be viewed as "one species of sex- or gender-based discrimination"). These actions also constitute intentional infliction of emotional distress, because under New York law, where a plaintiff is the target of "a planned program of harassment or threats," accompanied by "vindictiveness, taunting or derision," a cause of action for intentional infliction of emotional distress that includes the entire course of conduct may be established. *Bonner v. Guccione*, 916 F. Supp. 271, 277 (S.D.N.Y. 1996) quoting *Nestlerode v. Federal Insurance Company*, 414 N.Y.S.2d 398, 400 (4th Dep't.), app. denied, 48 N.Y.2d 604 (1979).

An employer's intent to aid and abet discriminatory conduct can be inferred from its negligent failure to make a timely good faith investigation into an employee's complaints. See *Ananiadis v Mediterranean Gyros Products, Inc.*, 151 AD3d 915, 918 (2d Dept 2017) ("Indeed, a failure to conduct a proper and thorough investigation or to take remedial measures upon a plaintiff's complaint of discriminatory conduct is sufficient to impose liability on an aiding and abetting theory."); see also *Mykytyn v Hannaford Bros. Co.*, 141 AD3d at 1156. Here Ms. McSweeney's complaints about Mr. Paparazzo and Mr. Ward's retaliation and discrimination after the second day of filming UGT on July 19, 2022, fell on completely deaf ears. The Companies, through Ms. Shannon and Andy Cohen, knew of the complaints, but failed to conduct an investigation or take any other remedial measures until November 3, 2022, when Warner initiated a formal investigation after a conversation between its counsel and Ms. McSweeney and her attorney. The Companies' negligence not only resulted in further injury to Ms. McSweeney, but it is also evidence of the Companies' intent to aid and abet these unlawful practices. See *Ananiadis*, 151 AD3d at 918.

It is also evident that even the investigation that supposedly took place in November and December of 2022 was not conducted properly or in good faith. Ms. Silisha Platon ("Ms. Platon"), one of the investigators from Warner, verbally told Ms. McSweeney on December 21, 2022 that employment policies were in fact violated and that they were disciplining an employee for same (although Ms. Platon would not disclose the employee or the discipline, because Ms. McSweeney was also an employee). Then, after weeks of Ms. McSweeney requesting an investigation report, Ms. Platon sends a one-paragraph "Conclusion Letter" stating, "that, more likely than not, there were no specific policy violations," and offering a time to "discuss further" if Ms. McSweeney wanted additional information about the investigation. It is beyond cavil that the "investigation" was a sham intended to make it seem as if the RHONY Employers are acting in good faith, when in reality they are not. Indeed, even after knowing Ms. McSweeney had forged a complaint of discrimination and retaliation, Bravo continued to cause Ms. McSweeney mental pain and

suffering—in efforts to provoke and upset her at the workplace, prior to one of her UGT confessionals³ that was being filmed in late December 2022, Bravo told Ms. McSweeney to say during the confessional that she still wanted to be on the Legacy cast, even though she knew she had not been chosen as a result of the events of UGT and her complaints about the Shed Producers. Clearly the RHONY Employers did not take Ms. McSweeney’s complaints seriously as they continued to engage in harassing conduct.

It is beyond clear that Ms. McSweeney was subject to adverse employment actions, including a hostile work environment, retaliation, and the RHONY Employers failed to provide reasonable accommodations and investigate her complaints timely and in good faith. The RHONY Employers have engaged in a pattern, indeed a business practice of, flagrantly and intentionally violating the foregoing laws and then retaliating against anyone who complains with impunity. Ms. McSweeney has been and will continue to be damaged as a direct result of the RHONY Employers’ and Shed Producers’ egregious, intentional, and reprehensible actions that are in violation of the ADA, NYSHRL, and NYCHRL, as well as anti-retaliation provisions under said statutes and the NRLA.

³ “Confessionals” are direct-to-camera interviews with Real Housewives cast members that are filmed later and often at another location from where the show is filmed, which are typically edited and phrased to come across like an immediate commentary on what happened in the show.

Signature (Declaration or Oath)

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL CM

Human Rights Law § 297.1 requires that a complaint filed with the Division of Human Rights must be "under oath or by declaration." **You must complete either the "declaration" or "oath" sections below.** The declaration requires only your signature and does not need to be notarized. The oath requires that you sign it before a notary.

DECLARATION

I affirm this 30th day of June (month), 2023 (year) at New York (city), NY (state), under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.



[Complainant name]

OATH

STATE OF NEW YORK)
COUNTY OF) SS:

_____, being duly sworn, deposes and says: that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and knows the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believes the same to be true.

Complainant signature

Subscribed and sworn to
before me this day
of , 20

Signature of Notary Public

Please note: Once this form is completed and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.



MADYSON NUCCI
ASSOCIATE
MNUCCI@ADELMANMATZ.COM
DIR: (646) 650-2198

June 30, 2023

VIA E-MAIL

Michael J Hallet
NYS Division of Human Rights Manhattan Office
Adam Clayton Powell Jr. State Off. Bldg.
163 West 125th Street, 4th Floor
New York, NY 10027
Email: michael.hallett@dhr.ny.gov

RECEIVED

By Upper Manhattan Regional Office at 5:51 pm, Jul 03, 2023

Re: Leah McSweeney v. Andy Cohen, Bravo Media LLC
Case No. 10223953
Amended Employment Discrimination Complaint

To Whom It May Concern:

Please be advised that Adelman Matz P.C. represents Leah McSweeney ("Ms. McSweeney") who is the declarant of the Employment Discrimination Complaint initially filed on March 15, 2023 against Andy Cohen and Bravo Media LLC.

Enclosed please find Ms. McSweeney's First Amended Employment Discrimination Complaint Form, which we are filing on Ms. McSweeney's behalf.

If you have any questions or concerns, please do not hesitate to contact our office at the phone number or e-mail address above. We respectfully request that you direct all future communications in connection with this matter to our office.

Best regards,

Madysen R. Nucci, Esq.

Enclosure.

ADELMAN MATZ P.C.

PHONE: (646) 650-2207 • FAX: (646) 650-2108

MAILING:

1159 SECOND AVENUE, SUITE 153
NEW YORK, NEW YORK 10065

OFFICE:

800 THIRD AVENUE, 25TH FLOOR
NEW YORK, NEW YORK 10022

New York State Division of Human Rights Employment Complaint Form

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18.

1. Your contact information:

First Name <u>Sarah</u>		Middle Initial/Name <u>M.</u>	
Last Name <u>Matz</u>			
Street Address/ PO Box <u>1159 Second Ave.</u>		Apt or Floor #: <u>Suite 153</u>	
City <u>New York</u>		State <u>NY</u>	Zip Code <u>10065</u>
If you are filing on behalf of another, provide the name of that person: <u>Leah McSweeney</u>		Date of birth: <div style="background-color: black; width: 100px; height: 20px;"></div>	Relationship: <u>Client</u>

2. Regulated Areas: Check the area where the discrimination occurred:

(If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Employment (including paid internship) | <input type="checkbox"/> by a Labor Organization |
| <input type="checkbox"/> Internship (unpaid) | <input type="checkbox"/> Apprentice Training |
| <input type="checkbox"/> Contract Work (independent contractor, or work for a contractor) | <input type="checkbox"/> by a Temp or Employment Agency |
| <input type="checkbox"/> Volunteer Position | <input type="checkbox"/> Licensing |

3. You are filing a complaint against:

Employer, Worksite, Agency or Union Name <u>Employer: Shed Media, Ltd., a division of Warner Bros.</u>		
Street Address/ PO Box <u>3800 Barham Blvd., Suite 410</u>		
City <u>Los Angeles</u>	State <u>CA</u>	Zip Code <u>90068</u>
Telephone Number: <u>(323) 904-4680</u>		
In what county or borough did the violation take place? <u>County of New York</u>		
Individual people who discriminated against you:		
Name: <u>Andy Cohen</u>	Title: <u>Real Housewives of NY Producer</u>	
Name: <u>Bravo Media LLC</u>	Title: <u>Company</u>	
If you need more space, please list them on a separate piece of paper.		

4. Date of alleged discrimination (must be within one year of filing):

The most recent act of discrimination happened on: 12 14 2022
month day year

5. For employment and internships, how many employees does this company have?

- ☐ 1-14 ☐ 15-19 ☒ 20 or more ☐ Don't know

6. Are you currently working for this company?	
<input type="checkbox"/> Yes. Date of hire: _____ <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>	What is your position?
<input checked="" type="checkbox"/> No. Last day of work: <u>12</u> / <u>14</u> / <u>2022</u> <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>	What was your position? Cast Member
<input type="checkbox"/> I was never hired. Date of application: _____ <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>	What position did you apply for?

7. Basis of alleged discrimination:	
Check ONLY the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.	
<input type="checkbox"/> Age: Date of Birth: _____	<input checked="" type="checkbox"/> Familial Status:
<input type="checkbox"/> Arrest Record	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input type="checkbox"/> National Origin: Please specify: _____
<input checked="" type="checkbox"/> Disability: Please specify: <u>mental health/alc</u>	<input type="checkbox"/> Predisposing Genetic Characteristic:
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____
<input checked="" type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input type="checkbox"/> Race/Color or Ethnicity: Please specify: _____ <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle	<input checked="" type="checkbox"/> Sex: Please specify: <u>Female</u> Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Use of Guide Dog, Hearing Dog, or Service Dog	
If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:	
<input checked="" type="checkbox"/> Retaliation: How did you oppose discrimination: disclosed failure to accommodate and unsafe working conditions	
If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below.	
<input type="checkbox"/> Relationship or association	

8. Acts of alleged discrimination: *What did the person/company you are complaining against do? Check all that apply*

<input type="checkbox"/> Refused to hire me	<input checked="" type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input checked="" type="checkbox"/> Denied my request for an accommodation for my disability, or pregnancy-related condition	<input checked="" type="checkbox"/> Sexual harassment
<input checked="" type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for domestic violence	<input checked="" type="checkbox"/> Harassed or intimidated me on any basis indicated above
<input type="checkbox"/> Demoted me	<input type="checkbox"/> Did not call back after lay-off	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Denied services or treated differently by a temp or employment agency
<input type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Denied a license by a licensing agency
<input type="checkbox"/> Denied me training	<input type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Discriminatory advertisement or inquiry or job application	<input checked="" type="checkbox"/> Other: failed to investigate complaints of retaliation and discrimination

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

Response to #9 attached hereto.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Leah McSweeney (“Ms. McSweeney” or “Complainant”), by and through her attorneys, Adelman Matz P.C., as and for her complaint against Bravo Media LLC (“Bravo”), Shed Media, Ltd. (“Shed”), and Warner Bros. Discovery (“Warner”) (Bravo, Shed, and Warner collectively referred to as the “Companies”), as well as Andy Cohen (“Cohen”), and Shed producers, Lisa Shannon (“Ms. Shannon”), John Paparazzo (“Mr. Paparazzo”), and Darren Ward (“Mr. Ward”) individually (Ms. Shannon, Mr. Paparazzo, and Mr. Ward collectively referred to as the “Shed Producers”) (the Companies, Cohen, and Shed Producers are collectively referred to herein as the “RHONY Employers”), alleges unsafe working conditions, negligence, hostile work environment, gender-based and disability-based discrimination and harassment, failure to provide reasonable accommodations, and retaliation against Ms. McSweeney during her employment with the Companies in violation of *inter alia*, the Americans with Disabilities Act of 1990 (ADA), New York State Human Rights Law (“NYSHRL”), New York City Human Rights Law (“NYCHRL”) and National Labor Relations Act (“NLRA”).

Ms. McSweeney has been working with the RHONY Employers since 2019 when she joined the cast of the Bravo television show Real Housewives of New York (“RHONY”), and in addition to being part of the cast for each season since she joined, has also participated in various spin off shows including Real Housewives: Ultimate Girls Trip Season 3 (“UGT”) (RHONY and UGT are collectively referred to as the “RHONY Productions”).¹ During Ms. McSweeney’s tenure, and given the intimate nature of the RHONY Productions, the Shed Producers have learned a great deal of information about Ms. McSweeney’s personal life, including her history of alcoholism and mental health issues, which include depression and anxiety. There is no dispute that the RHONY Employers had actual knowledge of Ms. McSweeney’s disabilities, and yet not only did they intentionally fail to provide a reasonable accommodation for those disabilities, they openly retaliated against Ms. McSweeney merely for having them. Further, the Shed Producers purposefully exacerbated Ms. McSweeney’s mental health and disability-related symptoms in efforts to further their goal of portraying Ms. McSweeney as an overly emotional and mentally unstable woman, as they did with most of the women on the show.

The RHONY Employers created a work environment that is gender-biased and hostile towards woman. Indeed, the entire “Real Housewives” franchise thrives off of the most incendiary portrayals of the female cast members (the “Housewives”), and to maintain viewership the RHONY Employers allow, encourage and participate in a hostile work environment where the Housewives are belittled, ridiculed, subjected to sexist stereotypes and discriminatory conduct that affects and permeates Housewives’ working conditions, including how they are treated on a daily basis and future press and employment opportunities. The RHONY Employers’ biases against women are evidenced by the favorable treatment that male cast members, such as husbands of the Housewives, receive. Indeed, the male cast members are not made subject to the same hostility, sexist comments, or retaliation from producers or any of the RHONY Employers, all of which the women are made to endure on a daily basis.

¹ RHONY is an installment the “Real Housewives” franchise, a television series aired on Bravo network, which documents the personal and professional lives of affluent women in New York. UGT is a spin-off show in which cast members from Bravo’s various “Real Housewives” installments are put on a cast together for a “girls trip”. Both seasons of RHONY and UGT at issue (Season 13 of RHONY and Season 3 of UGT) were produced by Shed.

In addition to the foregoing, the RHONY employers have also created a culture where women, like Ms. McSweeney who make any effort to complain or speak out against improper employment practices are retaliated against. Indeed, these women are degraded and treated with open hostility, and any complaints of such treatment are met with the Housewives being labeled as a problem, ‘not made for [TV]’, ‘argumentative’, and otherwise given negative reputations on- and off-air. The Housewives’ working conditions are intentionally made to be so oppressive that either their performance suffers, thereby lessening their chances of future employment, or they engage in outrageous behavior that is contrary to their well-being, while male cast members are never put in such a position due to their favorable treatment.

Ms. McSweeney has long-witnessed this culture of gender-biased attitudes and disparate treatment that has been enabled and perpetrated by the RHONY Employers. The RHONY Employers’ gender-biases were further evidenced by their unreasonable interference with Ms. McSweeney’s work performance through the exploitation of her disabilities, and the continuous campaign of harassment and retaliation waged against Ms. McSweeney in hopes that she would gain the reputation of a stereotypical mentally and emotionally unstable woman. The hostile environment then continued to intensify for Ms. McSweeney when she began to speak out and openly oppose employment practices that were discriminatory and potentially violative of various employment laws.

As just one example, during a cast trip to the Hamptons during the filming of RHONY (the “Hamptons Trip”), despite an onset of panic attacks over the imminent death of her grandmother, which was only exacerbating her pre-existing mental health conditions, the Shed Producers failed to provide any reasonable accommodation to leave the trip and to the contrary made Ms. McSweeney feel that if she left, she would be fired, and therefore had no choice but to stay while her anxiety worsened. As if essentially trapping Ms. McSweeney while her grandmother was dying and she was having panic attacks was not bad enough by itself, the RHONY Employers intentionally failed to give Ms. McSweeney any accommodation because they wanted to use her worsening mental conditions, distress and suffering as a storyline and to create drama. This conduct violates Ms. McSweeney’s right to reasonable accommodation and given its despicable nature, constitutes intentional infliction of emotional distress and created an unsafe working environment for Ms. McSweeney. Not being able to have the time and space to seek treatment and the RHONY Employers’ failure to provide an accommodation for the sake of selling drama, without question created an unsafe working condition for Ms. McSweeney, which she is entitled to complain about and address with the RHONY Employers and her fellow female co-workers. *See e.g. People v Amazon.com.*, 205 AD3d 485, 486 (1st Dept 2022) (notifying fellow employees of unsafe working conditions for their mutual protection is a protected activity).

However, when Ms. McSweeney lawfully discussed the incident during the filming of UGT in July of 2022, not only did the RHONY Employers fail to responsibly investigate, they openly retaliated against Ms. McSweeney by starting a malicious campaign to ruin Ms. McSweeney’s reputation and cause her further emotional and mental harm. Specifically, immediately i.e. the day after Ms. McSweeney disclosed the unsafe working conditions and the RHONY Employers’ failure to act appropriately during the Hamptons Trip, Mr. Paparazzo and Mr. Ward told Ms. McSweeney that Ms. Shannon was “pissed” at Ms. McSweeney for disclosing what happened to her on the Hamptons Trip, and the Shed Producers called Ms. McSweeney a liar. Mr. Paparazzo and Mr. Ward even went on to threaten Ms. McSweeney’s job saying, “Maybe

you're not made for this", and telling her "You're going to get it today" and "If you want to be on TV act like it". These are just a few examples of comments that caused Ms. McSweeney to believe that if she continued to complain about the hostile work environment she was made subject to, she would be fired.

In further retaliation for Ms. McSweeney's disclosures, or as the Shed Producers admittedly called it "payback for making them look bad", every day thereafter the Shed Producers came up with a new way to harass Ms. McSweeney for the express purpose of causing Ms. McSweeney mental pain and suffering. The Shed Producers employed the UGT cast and guests, including a fortune teller who was obviously prepped by Shed with information about Ms. McSweeney to continuously bring up her history of drinking and mental health issues against Ms. McSweeney's wishes and in the hopes that it would worsen Ms. McSweeney's mental conditions and would cause her to start drinking again. Indeed, the RHONY Employers and their employees Cohen have previously made comments about the hopes that Ms. McSweeney would relapse during filming. As another example, Ms. Shannon has directly stated that because Ms. McSweeney is now sober she is "not the Leah we know and love" and tried to bait Ms. McSweeney into a relapse by telling her that the audience did not like her because she was not drinking. Indeed, this is a pattern of conduct by Ms. Shannon, who has also failed to accommodate other female cast members' disabilities. For example, Ms. Shannon even glorified the fact that another RHONY cast member, Luann de Lesseps, had started drinking again by telling Ms. McSweeney, "I love when Luann is ON" referring to her relapse. During UGT, Ms. McSweeney was told her scenes were "boring" and she faced severe distress behind the scenes regarding her alcoholism and current sobriety.

In fact, there is a plethora of documentation showing that the Shed Producers, Mr. Cohen, and the Companies did nothing when Ms. McSweeney complained that other cast members and the Shed Producers' encouraging her to drink made her feel uncomfortable. As just one example, when Ms. McSweeney texted Mr. Ward saying that she felt very uncomfortable because the women were "trying to undermine [her sobriety]", Mr. Ward responded saying, "get out of your head" and did nothing. Similarly, when Ms. McSweeney told Mr. Paparazzo that another cast member had told her, "I wish you were still drinking", which made Ms. McSweeney uncomfortable, Mr. Paparazzo replied, "You're good".

The Shed Producers also failed to accommodate Ms. McSweeney's need to go to AA meetings during the filming of UGT. Indeed, not only did Mr. Paparazzo tell Ms. McSweeney that Shed would not provide transportation to get to the meetings in Thailand, he also told her that there would be no time for her to go because of the filming schedule. Ms. McSweeney became so distraught over the constant exploitation of her disability and lack of accommodation, that she became ill and needed medical treatment, which Shed also negligently failed to provide, and resulted in Ms. McSweeney being hospitalized.

The constant "discriminatory intimidation, ridicule, and insult" that Ms. McSweeney was made subject to was obviously so severe and pervasive that it altered the conditions of Ms. McSweeney's employment and the mental and physical suffering she was enduring impaired her work performance. *Cf. Novak v Royal Life Ins. Co. Of New York Inc.*, 284 AD2d 892, 893 (3d Dept 2001) (holding occasional sarcastic remarks about plaintiff's weight and a heightened

awareness of plaintiff's medical condition of disability were so infrequent that it did not rise to the level of hostile work environment).

The Shed Producers knew Ms. McSweeney was struggling with her disabilities and needed reasonable accommodation, and in line with the RHONY Employers' practices of forcing the women to continue to work in a hostile environment, absolutely nothing was done to help her. Instead, the Shed Producers exploited the anxiety they caused Ms. McSweeney and trivialized same as nothing more than the archetypal hysteria associated with the women on the show. For example, on another occasion Ms. McSweeney complained to Ms. Shannon about Mr. Paparazzo and Mr. Ward's retaliatory act of showing the cast Ms. McSweeney's text messages about how uncomfortable she was on the trip in efforts to further ostracize her from the group. Ms. Shannon told her to "play it out in her head" and question "why would they say that" and trivialized her legitimate complaints by telling Ms. McSweeney that "it doesn't even matter" and she should focus on "build[ing] on the momentum of today". Clearly Ms. Shannon held different expectations for the women, like Ms. McSweeney, who were expected to keep working and suffer such a hostile work environment in silence—at a minimum, Ms. Shannon's failure to act condoned such conduct. See *Matter of Rensselaer County Sheriff's Dept. v New York State Div. of Human Rights*, 131 AD3d 777, 780 (2011) (finding there was a rational basis for the determination that supervisor condoned disparate treatment of male and female employees where "Seabury testified that Smith would tell her, 'be tough' and '[y]ou need to be strong,' but failed to reprimand the offending employees.").

Moreover, there is ample evidence that the RHONY Employers have and will continue to retaliate against Ms. McSweeney for raising concerns about the continuous harassment and discrimination she faced. Indeed, while filming UGT, another one of the Shed producers, Shanae Humphrey, told Ms. McSweeney that if she brought up the Shed Producers' harassing conduct and failure to accommodate during the UGT finale dinner, then Ms. McSweeney "will never work again", and directed Ms. McSweeney to talk about her struggles with drinking, anxiety and depression instead. Then, this promise came to fruition. Despite months of being told she would part of the Real Housewives Legacy cast ("Legacy")², after the events of UGT she was not chosen to be on the show.

These unlawful business practices are shared by the RHONY Employers, all of which have encouraged and furthered the hostile and abusive work environment that Ms. McSweeney has been subject to since she started on RHONY. That the RHONY Employers want to sell drama and increase ratings is not an excuse to violate well established employment laws and foster an unsafe, discriminatory, harassing, and hostile work environment and then try to destroy employment opportunities for those women who engage in protected activity by complaining about or discussing their concerns over these practices.

Ms. McSweeney has not been the only victim. To get higher ratings, the RHONY Employers have encouraged and essentially forced female cast members to push storylines that promote physical abuse (i.e., preventing Heather Gay from disclosing how she got a black eye for weeks on the Real Housewives of Salt Lake City), sexual assault (i.e., Brandi Glanville engaging "non-consensual kissing" and unauthorized touching of other women while filming Real

² Real Housewives Legacy is an installment of the Real Housewives franchise.

Housewives: Ultimate Girls Trip Season 4), racism (i.e., organizing a “Plantation Dinner” during Season 13 of RHONY), alcohol abuse (i.e., allowing cast members with known drinking problems, such as Sonja Morgan and Brandi Glanville, to drink to the point that they harm themselves or others), and mental anguish. The disparate treatment of these women by the RHONY Employers was also recently made public during the Season 13 reunion episode of the Real Housewives of New Jersey (“RHONJ”). Indeed, Andy Cohen received backlash from fans in early June when a video of the episode surfaced, showing Cohen yelling at one of the RHONJ Housewives, Teresa Guidice, to let another male cast member (her brother, Joe Gorga), speak. See June 6, 2023, “‘RHONJ’ fans blast Andy Cohen for ‘belittling’ women: He ‘needs to be put on pause’”, <https://pagesix.com/2023/06/06/rhonj-fans-slam-andy-cohen-for-belittling-cast-at-reunion/>.

The RHONY Employers deliberately perpetuated patterns of discriminatory behavior towards their employees and unlawfully failed time and again to protect their employees and created an environment where an employee can raise concerns without being retaliated against. A similar situation occurred with Eboni Williams, an African American cast member on RHONY Season 13, who complained to HR when she was made subject to racial discrimination and harassment by a white cast member, Ramona Singer. Instead of addressing the issue, the RHONY Employers allowed what they called a “sensitivity training” to become a meeting wherein white female cast members were allowed to insult people of color. When Ms. Williams said she was going to talk about her complaint to HR on the RHONY Season 13 reunion, Ms. Shannon told Ms. McSweeney if she did they would cut it out. Further, when news of Ms. Williams’ complaint broke in a realityblurb.com article, Mr. Paparazzo texted Ms. McSweeney saying, “I officially hate her” and “I just wish someone from Bravo would say it’s not true . . . and then she would look like a big liar.” Sezin Cavusoglu, also employed by Shed, also messaged Ms. McSweeney that Ms. Williams was just “trying to be relevant”, and there are texts from Ms. Shannon that Ms. Williams was perpetuating an “argumentative” stereotype.

Further, the RHONY Employers’ failure to address Ms. McSweeney’s complaints about Mr. Paparazzo and Mr. Ward is in line with their pattern of ignoring complaints about the male producers and their complicity in unlawful workplace behaviors. Indeed, HR complaints aside from Ms. McSweeney’s have been lodged against Mr. Paparazzo for other inappropriate behavior, and aside from sham investigations into same, nothing is done to stop it. It is the RHONY Employers’ acquiescence to unlawful employment behaviors that created a workplace culture where male producers like Mr. Paparazzo and Mr. Ward had no reason to follow employment law, as they knew that they could act however they wished to without punishment.

The failure to take appropriate remedial actions time and time again has created an environment where there is absolutely no accountability for wrongdoing so that the producers and other employees of the RHONY Employers know they can continue to perpetuate these despicable and unlawful practices with impunity, and anyone who complains about it will be silenced. Indeed, it is well known by Ms. McSweeney and other female cast members that they could not go to human resources without fear of being ostracized and retaliated against, which is against the law and is exactly what happened to Ms. McSweeney. See *Mykytyn v Hannaford Bros. Co.*, 141 AD3d 1153, 1156 (4th Dept 2016) (stating employers liable for negligence in context of a claim of hostile work environment where employer fails to provide a reasonable avenue for complaint or it knew,

or in the exercise of reasonable care should have known, about harassment yet failed to take appropriate remedial action).

Not only are the Companies liable for approving the discriminatory actions of their employees, but the Shed Producers are all subject to individual liability for their direct participation in and aiding and abetting one another's discriminatory conduct. Each of them directly participated in the discriminatory conduct by, among other things, intentionally creating a hostile work environment, discriminating against Ms. McSweeney based on her gender and disability, failing to give Ms. McSweeney reasonable accommodations, and retaliating against her for needing them. See *New York State Div. of Human Rights*, 162 AD3d 576 (upholding aiding and abetting determination); see also *Williams v. New York City Hous. Auth.*, 61 A.D.3d 62, 75 ("sexual harassment" [can] be viewed as "one species of sex- or gender-based discrimination"). These actions also constitute intentional infliction of emotional distress, because under New York law, where a plaintiff is the target of "a planned program of harassment or threats," accompanied by "vindictiveness, taunting or derision," a cause of action for intentional infliction of emotional distress that includes the entire course of conduct may be established. *Bonner v. Guccione*, 916 F. Supp. 271, 277 (S.D.N.Y. 1996) quoting *Nestlerode v. Federal Insurance Company*, 414 N.Y.S.2d 398, 400 (4th Dep't.), app. denied, 48 N.Y.2d 604 (1979).

An employer's intent to aid and abet discriminatory conduct can be inferred from its negligent failure to make a timely good faith investigation into an employee's complaints. See *Ananiadis v Mediterranean Gyros Products, Inc.*, 151 AD3d 915, 918 (2d Dept 2017) ("Indeed, a failure to conduct a proper and thorough investigation or to take remedial measures upon a plaintiff's complaint of discriminatory conduct is sufficient to impose liability on an aiding and abetting theory."); see also *Mykytyn v Hannaford Bros. Co.*, 141 AD3d at 1156. Here Ms. McSweeney's complaints about Mr. Paparazzo and Mr. Ward's retaliation and discrimination after the second day of filming UGT on July 19, 2022, fell on completely deaf ears. The Companies, through Ms. Shannon and Andy Cohen, knew of the complaints, but failed to conduct an investigation or take any other remedial measures until November 3, 2022, when Warner initiated a formal investigation after a conversation between its counsel and Ms. McSweeney and her attorney. The Companies' negligence not only resulted in further injury to Ms. McSweeney, but it is also evidence of the Companies' intent to aid and abet these unlawful practices. See *Ananiadis*, 151 AD3d at 918.

It is also evident that even the investigation that supposedly took place in November and December of 2022 was not conducted properly or in good faith. Ms. Silisha Platon ("Ms. Platon"), one of the investigators from Warner, verbally told Ms. McSweeney on December 21, 2022 that employment policies were in fact violated and that they were disciplining an employee for same (although Ms. Platon would not disclose the employee or the discipline, because Ms. McSweeney was also an employee). Then, after weeks of Ms. McSweeney requesting an investigation report, Ms. Platon sends a one-paragraph "Conclusion Letter" stating, "that, more likely than not, there were no specific policy violations," and offering a time to "discuss further" if Ms. McSweeney wanted additional information about the investigation. It is beyond cavil that the "investigation" was a sham intended to make it seem as if the RHONY Employers are acting in good faith, when in reality they are not. Indeed, even after knowing Ms. McSweeney had forged a complaint of discrimination and retaliation, Bravo continued to cause Ms. McSweeney mental pain and

suffering—in efforts to provoke and upset her at the workplace, prior to one of her UGT confessionals³ that was being filmed in late December 2022, Bravo told Ms. McSweeney to say during the confessional that she still wanted to be on the Legacy cast, even though she knew she had not been chosen as a result of the events of UGT and her complaints about the Shed Producers. Clearly the RHONY Employers did not take Ms. McSweeney’s complaints seriously as they continued to engage in harassing conduct.

It is beyond clear that Ms. McSweeney was subject to adverse employment actions, including a hostile work environment, retaliation, and the RHONY Employers failed to provide reasonable accommodations and investigate her complaints timely and in good faith. The RHONY Employers have engaged in a pattern, indeed a business practice of, flagrantly and intentionally violating the foregoing laws and then retaliating against anyone who complains with impunity. Ms. McSweeney has been and will continue to be damaged as a direct result of the RHONY Employers’ and Shed Producers’ egregious, intentional, and reprehensible actions that are in violation of the ADA, NYSHRL, and NYCHRL, as well as anti-retaliation provisions under said statutes and the NRLA.

³ “Confessionals” are direct-to-camera interviews with Real Housewives cast members that are filmed later and often at another location from where the show is filmed, which are typically edited and phrased to come across like an immediate commentary on what happened in the show.

Signature (Declaration or Oath)

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL LM

Human Rights Law § 297.1 requires that a complaint filed with the Division of Human Rights must be "under oath or by declaration." **You must complete either the "declaration" or "oath" sections below.** The declaration requires only your signature and does not need to be notarized. The oath requires that you sign it before a notary.

DECLARATION

I affirm this 30th day of June (month), 2023 (year) at New York (city), NY (state), under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.



[Complainant name]

OATH

STATE OF NEW YORK)
COUNTY OF) SS:

_____, being duly sworn, deposes and says: that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and knows the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believes the same to be true.

Complainant signature

Subscribed and sworn to
before me this day
of , 20

Signature of Notary Public

Please note: Once this form is completed and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.